

REMARKS

Prior to the present amendment, claims 1-25 and 54-57 were pending. In order to expedite, the applicant has amended claims 1, 13, and 18. Reconsideration of claims 1-25 and 54-57 in light of the following is earnestly requested.

Claim Rejections Under 35 U.S.C. §103 (Schneider and Brosnan)

The final action rejected claims 1-9, 13-25, and 54-57 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pub. 2003/00787101 to Schneider, hereinafter “Schneider,” in view of WO 01/99067 to Brosnan, hereinafter “Brosnan.” The applicant requests the present rejection be withdrawn in light of the following.

Claims 1-9 and 54-57

Each of claims 1-9 and 54-57 is directed to a gaming system comprising a plurality of gaming machines, “wherein each said gaming machine includes a game selector that is arranged to select a subset of the games and display the subset of the games on the display for the player to play, wherein the game selector is arranged to select the subset of games based on the player's past history of playing games and a history of games played by other players.” The applicant respectfully submits that neither Schneider nor Brosnan disclose or otherwise render obvious such aspects of claims 1-9 and 54-57.

In regard to the selection of games being determined dependent on the player's past history of playing games, the final action on page 4 cites paragraphs [0038] and [0056] of Schneider for a teaching of such concepts. The applicant respectfully submits that Schneider does not disclose “a game selector that is arranged to select a subset of the games and display the subset of the games on the display for the player,” nor does Schneider disclose a game selector “arranged to select the subset of games based on the player's past history of playing games” let

alone “a history of games played by other players.” Paragraph [0038] discusses tailoring a gaming experience for a player based upon information collected about the player. Paragraph [0052] discusses monitoring gameplay and other conditions to determine when triggering events have been met, and generating game enhancing rewards for a player once such triggering events have been met. Paragraphs [0038] and [0056] do not address selecting and displaying a subset of games on a display for player dependent upon a player's past history, but instead address customizing a single game for a player.

The applicant respectfully points out that Schneider does not address how a subset of games is selected or how such a subset of games is presented to a player via a gaming machine that supports multiple games, but instead addresses how a gaming experience may be customized for a player. Schneider identifies several ways a gaming experience may be customized for a player. For example, Schneider mentions changing the award amounts for specific events (paragraph [0061]); offering awards for multiple events (paragraph [0062]); changing the outcome probabilities (paragraph [0063]); changing the rules of play (paragraph [0081]); offering casino environmental related prizes (paragraph [0083]); and various other manners (See, paragraphs [0084]-[0097]).

While Schneider discloses various ways of tailoring a gaming experience for a player, none of the manners disclosed by Schneider are directed to presenting a selection of games to a player that is determined from the player's past history of playing games and a history of games played by other player. Schneider in fact appears to provide almost no teaching regarding a gaming machine for playing multiple games. Schneider FIG. 2 depicts a gaming machine 20 having a "Change Game" control button 84. However, Schneider paragraph [0021] appears to be the only paragraph that references the control buttons 84 of the gaming machine 20. Of note,

while paragraph [0021] mentions the "Bet", "Max Bet", and "Spin" control buttons, Schneider makes no specific reference to the "Change Game" control button 84 depicted in FIG. 2. As such, one of ordinary skill in the art is left to merely speculate as to how the gaming machine 20 reacts to the actuation of the "Change Game" control button or how the "change game" feature of the gaming machine 20 is implemented. The applicant respectfully submits that the reason for this almost non-existent disclosure is that Schneider simply does not teach a manner for providing a player with a selection of games. Schneider instead addresses how to customize a single game provided by a game machine for a player in order to enhance the gaming experience of the player.

On page 2, the final action states:

[B]ecause as stated and cited on the Schneider reference, whether the games are being customized or altered, game are being selected at the end based on the player's previous history of the game play. For example if player X likes to play Y game with \$1 denomination, however the machine is currently set for \$0.25 denomination, once the machine identifies player X, it sets the denomination to \$1 for player X for the game Y. This selection of the game is based on the player's previous history or habit of playing the game.

The applicant does not necessarily disagree that Schneider teaches customizing a gaming experience for a player in a manner similar to the example given on page 2 of the final action. However, the example given on page 2 misses the point. Claims 1-9 and 54-57 are directed to a gaming machine comprising a game selector that is arranged to select a subset of games based on the player's past history of playing games and a history of games played by other players. For example, the game selector may select ten (10) out of an available one hundred (100) games and display the selected games on the display. The example given by the final action does not select a subset of games from a larger set of games, but instead customizes a single game based on the

player's history. In other words, a player in the Schneider system may initiate play of a spinning reel game and the system may set options of the spinning reel game (e.g., denomination to \$1) based on the player. However, a player in the system of claims 1-9 and 54-57 may be presented with a subset of games (e.g., a spinning reel game, a black jack game, etc.) which have been selected based on the player's past history of playing games and a history of games played by other players. In this manner, the system of claims 1-9 and 54-57 may present the player with a recommended subset of games the player is likely to enjoy, whereas the Schneider system merely configures a particular game (e.g., a specific spinning wheel game) in a manner the player prefers.

The applicant further takes issue with the notion that Schneider is trying to solve the same problem that applicant's claiming to solve and which the final action purports is offering players games according to their preferences based on previous record and history of game play. Some embodiments of the system of claims 1-9 and 54-57 may solve among other things how to present a player with a multitude of games from which to play at a multigame machine. Schneider does not address this issue. Instead, Schneider addresses how to configure or customize a particular game for a player. The applicant respectfully submits this is not the same issue and further submits that a solution to how to present a player with a multitude of games is not obvious in light of a solution to how to customize a particular game for a player.

The applicant further notes that the above deficiencies in the Schneider reference are not remedied by the teachings of the Brosnan reference. Furthermore, the final action does not rely upon the teachings of the Brosnan reference to overcome such deficiencies of the Schneider reference. Since neither Schneider nor Brosnan, alone or in combination, teach or otherwise render obvious a gaming machine comprising "a game selector that is arranged to select a subset

of the games and display the subset of the games on the display for the player to play, wherein the game selector is arranged to select the subset of the games based on the player's past history of playing games and a history of games played by other player," a *prima facie* case of obvious has not been established in regard to the invention of claims 1-9 and 54-57. Withdrawal of the present rejection is earnestly solicited.

Claims 13-25

Each of claims 13-25 include "a game selector that is arranged to select a subset of the games and display the subset of the games on the display for the player to play, wherein the game selector is arranged to select the subset of the games based on the player's past history of playing games and a history of games played by other players." As noted above, in regard to claims 1-9 and 54-57, Schneider and Brosnan do not teach a manner of presenting a selected subset of games to a player, nor do Schneider and Brosnan otherwise render obvious a game selector that is arranged to select a subset of games based on the player's past history of playing games and a history of games played by other players. As such, the final action has failed to establish a *prima facie* case of obviousness in regard to claims 13-25. The applicant requests the rejection of claims 13-25 be withdrawn.

Claim Rejections Under 35 U.S.C. §103 (Schneider, Brosnan, and Paulsen)

The final action rejected claims 10-12, 16-17, 23-25, and 54-57 under 35 U.S.C. §103(a) as being unpatentable over Schneider, in view of Brosnan, further in view of U.S. Pub. 2002/0142846 to Paulsen, hereinafter "Paulsen." The applicant requests the present rejection of the pending claims be withdrawn in light of the following.

Claims 10-12, 16-17, and 23-25

Each of claims 10-12, 16-17, and 23-25 includes at least one of claims 1 and 18 as a base claim. Accordingly, each of claims 10-12, 16-17, and 23-25 is allowable for at least the reasons mentioned above in regard to their respective base claims. Withdrawal of the present rejection of claims 10-12, 16-17, and 23-25 is earnestly solicited.

Claims 55 and 57

Each of claims 55 and 57 includes claim 1 as a base claim and is therefore allowable for at least the reasons mentioned above in regard to claim 1. As noted in the applicant's prior response and ignored by the final action, while games could be ranked based on win/loss records, Schneider does not in fact disclose ranking games on win/loss records. Schneider merely discloses tailoring a gaming experience based upon a player having a "dry spell". Moreover, such rankings still would not be "allocated to a game by a player" as required by claim 55. Withdrawal of the present rejection of claim 56 is earnestly requested.

Claims 56

Claim 56 includes claim 1 as a base claim and is therefore allowable for at least the reasons mentioned above in regard to claim 1. As noted in the applicant's prior response and ignored by the final action, the selection of games is determined dependent on the age of the games not the age of the players as suggested in the final action. As such, a *prima facie* case of obviousness has not been established. Withdrawal of the present rejection of claim 56 is earnestly requested.

Final Matters

The final action includes various statements regarding the pending claims; the Schneider, Brosnan, and Paulsen references; 35 U.S.C. § 103; and one of skill in the art that are now moot in view of the previous amendments and/or arguments. Thus, the applicant has not addressed all of such moot statements at the present time. The applicant, however, expressly reserves the right to challenge or support any or all of such statements in the future should the need arise (e.g., should such statements become relevant in the future by appearing in a rejection of any claim or appearing in any legal proceeding).

CONCLUSION

The applicant submits that the pending claims are in condition for allowance and courteously solicits an expeditious Notice of Allowability with respect to all pending claims. If the examiner disagrees or has questions regarding this submission, the applicant respectfully requests that the examiner telephone the undersigned at 312-238-8600 to discuss the present pending claims and the references, in particular prior to issuing a final action on the merits.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: March 15, 2010

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